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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/932,262
Filing Date: August 17, 2001
Appellant(s): ODERO ET AL.

Kevin Zilka
Reg. No. 41,429
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 25 February 2008 appealing from the Office action
mailed 13 July 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,769,019	Ferguson	7-2004
6,072,486	Sheldon et al.	6-2000
2002/0029296	Anuff et al.	3-2002
7,139,974	Bascom et al.	11-2006
6,453,339	Schultz et al.	9-2002

2004/0165007

Shafron

8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson (US Patent 6,769,019), Sheldon et al (US Patent 6,072,486), hereinafter Sheldon and Anuff et al (US Publication 2002/0029296), hereinafter Anuff.

In regards to claims 1, 10 and 19, Ferguson teaches displaying a toolbar over a web browser on a computer (as can be seen in the browser of Fig. 5), presenting a portal to a user, wherein the portal is for aggregating content selected by the user, presenting a bucket to the user, recognizing when the user selects content on a website displayed on the web browser and drops the content in the bucket, and adding the selected content to the portal (taught as the dragging and dropping of selected hyperlinks into the graphical user interface [GUI] 246 of the invention, seen in Figs. 7 and 8, the hyperlinks then being listed in the "open" GUI as seen in Fig. 8, the open GUI being analogous to the claimed "portal". See Ferguson, col. 6, line 60 through col. 7, line 59).

However, Ferguson fails to explicitly teach the linking of a portal of a user to a toolbar, and the further presentation of a bucket on the toolbar.

Sheldon teaches a system and method for use with web browser toolbars, similar to those of Ferguson. Furthermore, Sheldon teaches the ability to customize the toolbar of a user interface by adding, deleting, or changing the function of an associated button (col. 1, lines 44-48), or further, dragging and dropping components into a toolbar or deskbar, as can be seen in col. 19, line 61 through col. 20, line 41, as the user can drag an address bar (similar to the bucket of Ferguson, as input is entered into the bar resulting in a desired output) into any deskbar. Sheldon further states that the deskbar may be placed in an application window, such as a web browser, at col. 6, lines 62-65. Thus the incorporation of the GUI **246**, and its link to the displayed portal in Ferguson, is made possible by the toolbar customization of Sheldon.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson and Sheldon before him at the time the invention was made to modify the web browser toolbar, portal and bucket of Ferguson to include the toolbar customization of Sheldon.

One would have been motivated to make such a combination for the advantage of providing the user with quick and easy access to the most frequently used application functions in a prominent area of the application GUI. See Sheldon, col. 1, lines 46-48.

Ferguson and Sheldon fail to explicitly teach the portal of a user being on a remote server coupled to the computer via a network. Anuff teaches a method for portal presentation similar to that of Ferguson. Furthermore, Anuff teaches the portal being on a remote server coupled to a user's computer via a network, at ¶ 0006.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, and Anuff before him at the time the invention was made to

modify the portal and portal customization of Ferguson and Sheldon to include the remote portal server of Anuff. One would have been motivated to make such a combination for the advantage of increased control over portal maintenance, administration and the like. See Anuff, ¶ 0004.

Regarding claims 3 and 12, Sheldon teaches the customization of a toolbar to include any buttons and functions selected by the user, at col. 1, lines 44-48. This customization as taught by Sheldon would allow for the creation of a customization button on the toolbar.

Regarding claims 5 and 14, Sheldon shows in Figs. 18-20 a toolbar button for linking a user to their email.

Regarding claims 6, 7, 9, 15, 16, and 18 Sheldon teaches the customization of a toolbar to include any buttons and functions selected by the user, at col. 1, lines 44-48. This customization as taught by Sheldon would allow for the creation of a button for bookmarks, bookmark synchronization, and toolbar color.

Regarding claim 39, Ferguson and Sheldon teach adding functionality to a toolbar or deskbar, where that functionality may be the bucket of Ferguson, or a button with similar functionality, as taught above by Sheldon.

Regarding claim 40, Ferguson teaches dragging content into a bucket, the content being at least textual, as a user may drop hyperlinks into the bucket, at col. 6, line 60 through col. 7, line 59.

Regarding claim 41, Anuff teaches storing portal content at a remote server, at ¶ 0006.

Claims 2, 11, 20, 21, 23-25, 28-29, 31-33, 35, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff and Bascom et al (US Patent 7,139,974), hereinafter Bascom.

Regarding claims 2 and 11, Ferguson, Sheldon and Anuff have been shown to teach a web browser toolbar linked to a user portal with drag and drop content selection.

However, Ferguson, Sheldon and Anuff fail to explicitly teach the toolbar including a sign on button linked to the portal upon the user signing in.

Bascom teaches the use of web browsers in a network environment, similar to those of Ferguson and Sheldon. Furthermore, Bascom teaches the use of sign on buttons in a web browser toolbar to allow access to secure information (col. 21, lines 3-6).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff and Bascom before him at the time the invention was made to modify the toolbar button customization of Ferguson, Sheldon and Anuff to include the secure sign on of Bascom.

One would have been motivated to make such a combination for the well known advantage of protecting information and data specific to a user.

Regarding claims 20, 28, 36, and 38, Ferguson teaches displaying a toolbar over a web browser on a computer (as can be seen in the browser of Fig. 5), presenting a portal to a user, wherein the portal is for aggregating content selected by the user, presenting a bucket to the user, recognizing when the user selects content on a website displayed on the web browser and

drops the content in the bucket, and adding the selected content to the portal (taught as the dragging and dropping of selected hyperlinks into the graphical user interface [GUI] **246** of the invention, seen in Figs. 7 and 8, the hyperlinks then being listed in the "open" GUI as seen in Fig. 8, the open GUI being analogous to the claimed "portal". See Ferguson, col. 6, line 60 through col. 7, line 59).

However, Ferguson fails to explicitly teach the linking of a portal of a user to a toolbar, and the further presentation of a bucket on the toolbar.

Sheldon teaches a system and method for use with web browser toolbars, similar to those of Ferguson. Furthermore, Sheldon teaches the ability to customize the toolbar of a user interface by adding, deleting, or changing the function of an associated button (col. 1, lines 44-48), or further, dragging and dropping components into a toolbar or deskbar, as can be seen in col. 19, line 61 through col. 20, line 41, as the user can drag an address bar (similar to the bucket of Ferguson, as input is entered into the bar resulting in a desired output) into any deskbar. Sheldon further states that the deskbar may be placed in an application window, such as a web browser, at col. 6, lines 62-65. Thus the incorporation of the GUI **246**, and its link to the displayed portal in Ferguson, is made possible by the toolbar customization of Sheldon.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson and Sheldon before him at the time the invention was made to modify the web browser toolbar, portal and bucket of Ferguson to include the toolbar customization of Sheldon.

One would have been motivated to make such a combination for the advantage of providing the user with quick and easy access to the most frequently used application functions in a prominent area of the application GUI. See Sheldon, col. 1, lines 46-48.

Ferguson and Sheldon fail to explicitly teach the portal of a user being on a remote server coupled to the computer via a network. Anuff teaches a method for portal presentation similar to that of Ferguson. Furthermore, Anuff teaches the portal being on a remote server coupled to a user's computer via a network, at ¶ 0006.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, and Anuff before him at the time the invention was made to modify the portal and portal customization of Ferguson and Sheldon to include the remote portal server of Anuff. One would have been motivated to make such a combination for the advantage of increased control over portal maintenance, administration and the like. See Anuff, ¶ 0004.

However, Ferguson, Sheldon and Anuff fail to explicitly teach the toolbar including a sign on button linked to the portal upon the user signing in.

Bascom teaches the use of web browsers in a network environment, similar to those of Ferguson and Sheldon. Furthermore, Bascom teaches the use of sign on buttons in a web browser toolbar to allow access to secure information (col. 21, lines 3-6).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff and Bascom before him at the time the invention was made to modify the toolbar button customization of Ferguson, Sheldon and Anuff to include the secure sign on of Bascom.

One would have been motivated to make such a combination for the well known advantage of protecting information and data specific to a user.

Bascom further teaches providing additional features on the toolbar upon the user signing in, one of the additional features being in association with an icon presented on the toolbar, taught as the three icons indicating availability of link references on a client toolbar, at col. 21, lines 27-32.

Regarding claims 21 and 29, Sheldon teaches the customization of a toolbar to include any buttons and functions selected by the user, at col. 1, lines 44-48. This customization as taught by Sheldon would allow for the creation of a customization button on the toolbar.

Regarding claims 23 and 31, Sheldon shows in Figs. 18-20 a toolbar button for linking a user to their email.

Regarding claims 24, 25, 27, 32, 33, and 35, Sheldon teaches the customization of a toolbar to include any buttons and functions selected by the user, at col. 1, lines 44-48. This customization as taught by Sheldon would allow for the creation of a button for bookmarks, bookmark synchronization, and toolbar color.

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff and Schultz et al (US Patent 6,453,339), hereinafter Schultz.

Ferguson, Sheldon and Anuff have been shown to teach a web browser toolbar linked to a user portal with drag and drop content selection, and the customization of toolbar buttons.

However, Ferguson, Sheldon and Anuff fail to explicitly teach a headlines button on the toolbar for displaying the headlines of the portal on the web browser.

Schultz teaches a method for presenting "channelized" data to a user, similar to the portal of Sheldon. Furthermore, Schultz teaches the aggregation of channelized headlines at col. 3, lines 19-47.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff and Schultz before him at the time the invention was

made to modify the web browser, portal and button customization of Ferguson, Sheldon and Anuff to include the headline display of Schultz.

One would have been motivated to make such a combination for the advantage of providing an intuitive and user-friendly interface for the management of portal data, at col. 1, lines 39-42.

Claims 22 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff, Bascom and Schultz.

Ferguson, Sheldon, Anuff and Bascom have been shown to teach a web browser, toolbar and portal that include a secure sign on button.

However, Ferguson, Sheldon, Anuff and Bascom fail to explicitly teach a headlines button on the toolbar for displaying the headlines of the portal on the web browser.

Schultz teaches a method for presenting "channelized" data to a user, similar to the portal of Sheldon. Furthermore, Schultz teaches the aggregation of channelized headlines at col. 3, lines 19-47.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff, Bascom and Schultz before him at the time the invention was made to modify the web browser, portal and button customization of Ferguson, Sheldon, Anuff and Bascom to include the headline display of Schultz.

One would have been motivated to make such a combination for the advantage of providing an intuitive and user-friendly interface for the management of portal data, at col. 1, lines 39-42.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff and Shafron (US Publication 2004/0165007).

Ferguson, Sheldon and Anuff have been shown to teach a web browser toolbar linked to a user portal with drag and drop content selection, and the customization of toolbar buttons.

However, Ferguson, Sheldon and Anuff fail to explicitly teach a search field included in the toolbar, wherein search results are displayed upon entry of a search term in the search field.

Shafron teaches the use of a toolbar similar to those of Ferguson, Sheldon and Anuff. Furthermore Shafron shows a search field included in the toolbar, and the subsequent display of related results, at Fig. 4, and further taught at ¶0035.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff and Shafron before him at the time the invention was made to modify the browser and toolbar of Ferguson and Sheldon to include the search field of Shafron.

One would have been motivated to make such a combination for the advantage of providing a consistently present search feature on a browser interface, as opposed to a user having to first access a search web page.

Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff, Bascom and Shafron.

Ferguson, Sheldon, Anuff, and Bascom have been shown to teach a web browser, toolbar and portal that include a secure sign on button.

However, Ferguson, Sheldon, Anuff and Bascom fail to explicitly teach a search field included with the toolbar of the web browser.

Shafron teaches the use of a toolbar similar to those of Ferguson and Sheldon. Furthermore Shafron shows a search field included in the toolbar, and the subsequent display of related results, at Fig. 4, and further taught at ¶0035.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ferguson, Sheldon, Anuff, Bascom and Shafron before him at the time the invention was made to modify the browser and toolbar of Ferguson, Sheldon, Anuff and Bascom to include the search field of Shafron.

One would have been motivated to make such a combination for the advantage of providing a consistently present search feature on a browser interface, as opposed to a user having to first access a search web page.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, Sheldon, Anuff, Bascom, Shafron, and Schultz.

In regards to claim 37, the claim includes an aggregation of limitations present in the independent and dependent claims 1-36, and is therefore rejected for the above reasons.

(10) Response to Argument

Issue #1

In response to Appellant's arguments with respect to Issue #1, "Group #1: Claims 1, 5-7, 9, 10, 14-16, 18, 19, and 40", the examiner respectfully disagrees. On pages 14-15 of the Brief, Appellant argues that the Sheldon reference fails to teach Appellant's claimed "linking the toolbar to a portal of a user". In support of this argument, Appellant notes that "Sheldon does not teach that 'the user can drag an address bar...into any deskbar', as noted by the Examiner." Appellant notes that the cited portion of Sheldon outlines creating a deskbar that contains a selected toolbar. However, at col. 20, lines 20-41, Sheldon explicitly outlines "a method for

customizing a deskbar", wherein "if the user desires to customize the taskbar 310 by adding an address bar 600', the user can drag the address toolbar 600 from the application window 800' and drop the address bar 600 on top of the taskbar 310." Thus, the examiner maintains that Sheldon does indeed teach that "the user can drag an address bar...into any deskbar". The examiner does note that the current citation of Sheldon has been expanded to cover col. 20, lines 15-41, where previously the examiner closed the citation at col. 20, line 14.

Furthermore, Appellant argues that Sheldon "only suggests allowing a deskbar to exist in an application window, which does [not] meet appellant's claimed "linking the toolbar to a portal of a user" (the examiner has assumed Appellant unintentionally excluded the word "not" from the argument). The examiner contends, as in previous Office actions, that incorporation of the "bucket" of Ferguson into the customizable toolbar of Sheldon links the toolbar to the portal, as the bucket provides a direct link to the portal.

As to Appellant's contention to the examiner's argument that such an incorporation provides the claimed linkage, the examiner believes Appellant to have misinterpreted the rejection of the claims with respect to the GUI 246 of Ferguson and the claimed portal. In fact, the examiner has relied upon GUI 246 to teach the claimed "bucket", not the claimed "portal", as argued by Appellant. This distinction is highlighted by Figs. 7 and 8 of Ferguson. Fig. 7 depicts the "bucket" as referred to by the examiner; the user drags links into the GUI 246, the links then being added to the "portal", interpreted by the examiner as the list of links selected by the user in item 261 of Fig. 8. The "open GUI" referred to by the examiner is not simply GUI 246, but instead the expanded GUI of Fig. 8, and more specifically, the list of links 261.

Responding to Appellant's arguments of pages 15 and 16 of the Brief, with respect to a perceived inherency argument to teach the linking of a toolbar to a portal of user, the examiner maintains that the combination of the bucket and portal of Ferguson into the customizable

toolbars of Sheldon would indeed necessarily provide a link from the toolbar to the portal of a user. Sheldon has been shown to teach a link between a bucket and a portal, as indicated by the ability of a user to drag and drop links into the bucket GUI 246, the links then being shown in the portal list 261. Thus, the examiner believes it to be inherent that adding the bucket/portal functionality of Ferguson into the toolbar of Sheldon would indeed provide a link from the toolbar to the portal, and is not "established by probabilities or possibilities".

As such, the examiner believes all of the claimed limitations of Group #1 to be disclosed in the above rejection, and that a *prima facie* case of obviousness has been met.

In response to Appellant's arguments of "Group #2: Claims 3 and 12", the examiner respectfully disagrees. Appellant argues that the Sheldon reference fails to teach "wherein the toolbar includes a customize button, where a customization screen is opened upon selection of the customize button, wherein features of the toolbar can be manipulated using the customization screen. As taught by Sheldon, the function associated with a button may be modified or changed (col. 1, lines 44-46). Furthermore, Sheldon teaches a menu that allows a user to customize features of a toolbar, as seen in Fig. 4b. Thus, the examiner contends that one of ordinary skill in the art would be able to create or modify a button on a toolbar capable of accessing the customization menu of Fig. 4b.

Similarly, with respect to the arguments of "Group #3: Claim 39", the examiner maintains that the bucket/portal functionality of Sheldon may be incorporated into a button on the toolbar of Sheldon, as Sheldon teaches the customization of toolbar buttons as noted above.

In response to Appellant's arguments of "Group #4: Claim 41", the examiner respectfully disagrees. Appellant argues that the cited Anuff reference fails to teach "a remote server", as

well as a technique "wherein adding the selected content to the portal includes storing the content on the remote server", as claimed. Initially, the examiner contends that the Anuff reference indeed teaches a remote server, as can be seen in the client/server architecture of Fig. 3, and at ¶ 0030, and again at Fig. 1, wherein a client using browser 16 connects to servers 12a - 12n through network 14 (see ¶ 0024). Additionally, the examiner maintains that the Anuff reference teaches the storing of content on the remote server, as can be seen through the use of content caching on the portal servers, disclosed at ¶ 0102-0104.

Issue #2

Appellant's arguments concerning Group #1 of Issue #2 echo arguments found in Issue #1, and are thus deemed responded to.

With respect to Appellant's arguments of Group #2, that the Bascom reference fails to teach a "toolbar that links to the portal upon the user signing in", the examiner respectfully disagrees. As shown above, Ferguson and Sheldon teach a toolbar capable of providing a link to a portal. Anuff has been shown to provide a remote server capable of storing portal data accessed by a client. Bascom teaches a client logon button that allows a client to initiate connection to one or more servers. Thus, the examiner contends that the logon button of the Bascom reference is capable of initiating connection to the portal servers of Anuff, which in turn provides access to the portal linked to through the toolbar of Ferguson and Sheldon.

Appellant's arguments of Group #3 echo those found in Issue #1, as well as those of Group #2 in Issue #2. Therefore, the examiner deems these arguments responded to.

Art Unit: 2100

Issues #3-6

Appellant has indicated that Issues #3-6 echo the arguments of the above Issues #1 and 2, therefore, these arguments are deemed responded to.

Issue #7

Appellant's arguments of Issue #7 echo those of Issue #1, and as such are deemed responded to.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Roswell

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